

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESSE CARD,

Plaintiff,

v.

CITY OF EVERETT, *et al.*,

Defendants.

Case No. C03-2385L

ORDER LIFTING STAY AND  
REQUESTING FURTHER  
BRIEFING

This matter has been stayed since October 12, 2004, when the Supreme Court granted certiorari in Van Orden v. Perry, 351 F.3d 173 (5th Cir. 2003), and Am. Civil Liberties Union v. McCreary County, 354 F.3d 438 (6th Cir. 2003). On June 27, 2005, the Supreme Court issued its rulings in both cases. The stay in the above-captioned matter is, therefore, lifted.

Because the Van Orden and McCreary County decisions resolve Establishment Clause challenges similar to that raised by plaintiff in this case, the Court finds that additional briefing prior to the resolution of this matter is in order. The parties may file memoranda, not to exceed ten pages in length, discussing the impact of Van Orden and McCreary County on the pending cross-motions for summary judgment. The memoranda, if any, shall be filed no later than 4:30 p.m. on Thursday, August 4, 2005. No opposition or reply memoranda will be considered. Upon review of the memoranda filed by the parties and the remainder of the record,

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1 the Court will determine whether oral argument is warranted.

2 The Clerk of Court is directed to renote the pending cross-motions for summary  
3 judgment (Dkt. # 15 and # 17) on the Court's calendar for Friday, August 5, 2005.

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5 DATED this 18th day of July, 2005.

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8 Robert S. Lasnik  
9 United States District Judge  
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